

### **REMARKS**

Claims 1-9, 17-21, 23-28, 31-34 and 40-52 are rejected. Claims 10-16, 22, 29, 30 and 35-39 are objected to. Claims 1, 11-16, 40, and 45 have been amended. Claim 10 has been canceled. New claims 53, 54, and 55 have been added. Claims 1-9 and 11-55 are presently pending in the application. Favorable reconsideration of the application in view of the following remarks is respectfully requested.

The basis for the amendment of claim 1 is found in claim 10 as originally filed. The basis for the amendment of claims 11-16 are claims 11-16 as originally filed. The basis for the amendment of claims 40 and 45 is found on pg. 15, [0047] of the specification as originally filed. The basis for the amendment of claim 53 is claim 29 as originally filed. The basis for the 54 is claim 22 as originally filed. The basis for new claim 55 is claim 1 as originally filed and pg. 15, [0047] of the specification as originally filed.

#### **Objected to Claims:**

The Examiner has objected to Claims 10-16, 22, 29, 30 and 35-39 as being dependent upon a rejected base claim, but allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 10 has been combined with claim 1. Claim 22 has been rewritten in independent format as new claim 54. Claim 29 has been rewritten in independent format as new claim 53. Claim 35 is already in independent form, with claims 36-39 dependant.

#### **Rejection Under 35 U.S.C. §102(b):**

The Examiner has rejected Claims 1-6, 17, 18, 20, 21, 23-27, 33, 34 and 40-52 35 USC 102 (b) as being anticipated by the patent to Fisch et al. (USP 5,372,987), indicating that Fisch teaches multi-layer thermal imaging receptors comprising a support, a heat sensitive releasable transfer layer, an interfacial bonding layer and an image receiving layer, the "polyvinyl resins" in the releasable layer of Fisch et al. are clearly suggestive of the claimed polyvinyl butyral in the claimed releasable layer, and the experimental modification of this prior art in order to ascertain optimum operating conditions (e.g., determine compositional proportions) fails to render applicant's claims patentable in the absence of unexpected results, but noting that the rejections over Fisch et al. can be overcome by the recitation of the limitation that the interfacial bonding layer

does not function as a dye barrier layer (see paragraph [0047] in the specification).

Fisch discloses thermal transfer receptor sheets and thermal transfer processes using receptor sheets which are particularly useful in enabling thermal transfer images to be applied to diverse geometric shapes and irregular surfaces. A process for forming a color proofing image by thermal transfer systems and an improved thermal transfer receptor sheet are described. The receptor sheet has a hot melt adhesive layer with one quarter percent or less of particles therein. In the thermal transfer process, both the image and a thermal transfer receptor layer are transferred to a second receptor surface.

The present invention relates to a multi-layer thermal imaging receptor having superior transferability and image color stability for color proofing applications where the images are generated by a laser thermal process. The present invention includes a first support coated by at least, in order, a heat sensitive releasable transfer layer coated, an interfacial bonding layer and an image receiving layer of the present invention adapted to adhere to a second support when heated. The interfacial bonding layer is adapted to enhance adhesion between the heat sensitive releasable transfer layer and the image receiving layer and, as amended, is specifically not intended to function as a barrier layer. The present invention further provides a method of making a multi-layer thermal imaging receptor and a method of imaging using the receptor.

A claim is anticipated only if each and every element as set forth in the claim is found either expressly or inherently described in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the claim.

Claim 1 has been amended to include dependent claim 10, thereby mooting the present rejection with respect to claim 1 and the related dependent claims. New claims 53 and 54 are rewritten claims 22 and 29 and are also not subject to the present rejection. Claims 40 and 45 have been amended to include the additional limitation that the interfacial bonding layer is specifically not intended to function as a barrier layer. New claim 55 also includes the limitation that the interfacial bonding layer is specifically not intended to function as a barrier layer. Therefore, the Applicants believe the present amendments moot the rejection as noted by the Examiner.

**Rejection Under 35 U.S.C. §102(b):**

The Examiner has rejected Claims 1-6, 17, 20, 21, 23-27, 33, 34 and 40-52 under 35 USC 102 (b) as being anticipated by the patent to Watanabe et al. (EP 0 587 148), indicating that Watanabe teaches multi-layer thermal imaging receptors comprising a support, a heat sensitive releasable transfer layer, an interfacial bonding layer and an image receiving layer and the experimental modification of this prior art in order to ascertain optimum operating conditions (e.g., determine compositional proportions) fails to render applicant's claims patentable in the absence of unexpected results.

Watanabe discloses an intermediate transfer medium comprising a heat-resistant base sheet and provided thereon a release layer and an image-receiving adhesive layer, which may contain an adhesion promoting primer layer between the release layer and the image-receiving adhesive layer.

The present invention relates to a multi-layer thermal imaging receptor having superior transferability and image color stability for color proofing applications where the images are generated by a laser thermal process. The present invention includes a first support coated by at least, in order, a heat sensitive releasable transfer layer coated, an interfacial bonding layer and an image receiving layer of the present invention adapted to adhere to a second support when heated. The interfacial bonding layer is adapted to enhance adhesion between the heat sensitive releasable transfer layer and the image receiving layer and, as amended, is specifically not intended to function as a barrier layer. The present invention further provides a method of making a multi-layer thermal imaging receptor and a method of imaging using the receptor.

A claim is anticipated only if each and every element as set forth in the claim is found either expressly or inherently described in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the claim.

Claim 1 has been amended to include dependent claim 10, thereby mooting the present rejection with respect to claim 1 and the related dependent claims. New claims 53 and 54 are rewritten claims 22 and 29 and are also not subject to the present rejection. Claims 40 and 45 have been amended to include the additional limitation that the interfacial bonding layer is specifically not intended to function as a barrier layer. New claim 55 also includes the limitation

that the interfacial bonding layer is specifically not intended to function as a barrier layer. Watanabe fails to mention that the adhesion promoting layer does not function as a barrier layer. As a result, Watanabe fails to describe the complete detail of the presently claimed interfacial bonding layer.

**Rejection Under 35 U.S.C. §103(a):**

The Examiner has rejected Claims 1-9, 17-21, 23-28, 31-34 and 40-52 under 35 U.S.C. 103(a) as being unpatentable over the patent to Fisch et al.

To establish a prima facie case of obviousness, there must be some suggestion or motivation in the reference or in the general knowledge available to one skilled in the art to modify the reference, there must be a reasonable expectation of success, and the prior art reference must teach or suggest all the claim limitations.

Claim 1 has been amended to include dependent claim 10, thereby mooting the present rejection with respect to claim 1 and the related dependent claims. New claims 53 and 54 are rewritten claims 22 and 29 and are also not subject to the present rejection. Claims 40 and 45 have been amended to include the additional limitation that the interfacial bonding layer is specifically not intended to function as a barrier layer. New claim 55 also includes the limitation that the interfacial bonding layer is specifically not intended to function as a barrier layer.

Fisch discloses a release layer on a support in contact with an adhesive layer and an image receiving layer. Fisch also mentions the use of an optional barrier layer between the receptor layer and the release layer (col. 9, lines 15-18), which is intended to reduce migration of materials between layers. (col. 13, lines 3-5) However, Fisch fails to disclose an interfacial bonding layer located between the heat sensitive releasable transfer layer and the image receiving layer which is specifically not intended to function as a barrier layer.

Fisch fails to provide a likelihood of success. Fisch teaches a releasable layer in contact with a dye receptor layer or a releasable layer and a dye receptor layer with a barrier layer located therebetween. No mention is made of the intermediate layer to enhance the adhesion between the releasable layer and the dye receptor layer. In addition, the optional barrier layer is intended to reduce inter-layer migration as noted above.

As previously noted, Fisch fails to mention the lack of barrier properties required by the interfacial bonding layer as presently amended.

In summary, the reference fails to suggest all the limitations of the present claims, fails to provide a likelihood of success and fails to provide any suggestion to combine or modify the references to produce the presently claimed invention, the Applicants request that the Examiner reconsider and withdraw the rejection.

**Rejection Under 35 U.S.C. §103(a):**

The Examiner has rejected Claims 1-6, 17, 20, 21, 23-28, 31-34 and 40-52 under 35 U.S.C. 103(a) as being unpatentable over the patent to Watanabe et al.

To establish a prima facie case of obviousness, there must be some suggestion or motivation in the reference or in the general knowledge available to one skilled in the art to modify the reference, there must be a reasonable expectation of success, and the prior art reference must teach or suggest all the claim limitations.

Claim 1 has been amended to include dependent claim 10, thereby mooting the present rejection with respect to claim 1 and the related dependent claims. New claims 53 and 54 are rewritten claims 22 and 29 and are also not subject to the present rejection. Claims 40 and 45 have been amended to include the additional limitation that the interfacial bonding layer is specifically not intended to function as a barrier layer. New claim 55 also includes the limitation that the interfacial bonding layer is specifically not intended to function as a barrier layer.

Watanabe discloses a primer layer provided between the transparent thin-film layer and the image-receiving adhesive layer. The primer layer is an adhesion improving layer that secures adhesion between the transparent thin-film layer and the image-receiving adhesive layer. However, Watanabe is silent with respect to the lack of barrier properties required by the interfacial bonding layer as presently amended.

Watanabe also fail to provide any likelihood of success at achieving an interfacial bonding layer which does not act as a barrier layer between the transfer layer and image receiving layer. No mention is made during the discussion of the adhesion promoting primer layer on pg. 8, lines 25-33 of any

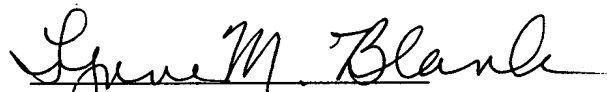
barrier properties related to the primer layer. Watanabe, at pg. 10, lines 39-46, pg. 13, lines 24-36, and pg. 21, line 26- pg. 22, line 7 (Examples 7 and 8) indicates that a separate diffusion transfer layer is required to inhibit deleterious diffusion of sublimation dye.

As previously noted, Watanabe discloses a primer layer provided between the transparent thin-film layer and the image-receiving adhesive layer, but fails to mention the lack of barrier properties required by the interfacial bonding layer as presently amended.

In summary, the reference fails to suggest all the limitations of the present claims, fails to provide a likelihood of success and fails to provide any suggestion to combine or modify the references to produce the presently claimed invention, the Applicants request that the Examiner reconsider and withdraw the rejection.

It is believed that the foregoing is a complete response to the Office Action and that the claims are in condition for allowance. Favorable reconsideration and early passage to issue is therefore earnestly solicited.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.